

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

DUSTIN BRYCE ROSONDICH,)
Plaintiff,)
VS.) No. 15-1110-JDT-egb
CHESTER COUNTY, ET AL.,)
Defendants.)

ORDER DENYING OBJECTION,
ADOPTING REPORT AND RECOMMENDATION FOR DISMISSAL,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

The *pro se* Plaintiff, Dustin Bryce Rosondich, filed a complaint pursuant to 42 U.S.C. § 1983 on May 8, 2015, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) After Plaintiff filed a proper *in forma pauperis* application (ECF No. 6), U.S. Magistrate Judge Edward G. Bryant granted leave to proceed *in forma pauperis* (ECF No. 7). Plaintiff filed an amended complaint on December 28, 2015. (ECF No. 11.) On July 12, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended dismissing the case *sua sponte*. (ECF No. 13.) Plaintiff filed a timely objection to the R&R on July 25, 2016. (ECF No. 14.)

Plaintiff sued Chester County, Tennessee; Chester County Sheriff Blair Weaver; and Deputies Mark Griffin, Jason Crouse and Steve Davidson. His claims arise out of an allegedly wrongful traffic stop that occurred on May 9, 2014. (ECF No. 11 at 3.) Plaintiff alleges he was pulled over for no reason and subjected to an illegal search and seizure before being allowed to go on his way after approximately thirty minutes. (*Id.*) He further alleges that he was illegally

photographed by the Defendants during the stop, resulting in an invasion of privacy, and that the Defendants' actions in calling the news media constituted false light defamation. (*Id.*) Plaintiff also contends that the actions of the Defendants amounted to civil rights intimidation. He seeks money damages.

In the R&R, Magistrate Judge Bryant found that the facts as alleged in the complaint and amended complaint fail to adequately state a claim under 42 U.S.C. § 1983 or any claims for defamation or invasion of privacy under Tennessee law. In his objection, Plaintiff complains that the Magistrate Judge issued almost identical R&Rs in his pending cases and made an inadvertent “cut and paste” error in one of the other cases.¹ He states, “[t]he magistrates [sic] order to dismiss did not provide one statement not consistent with dishonor and was actually vague and frivolous.” (ECF No. 14 at 1.) Plaintiff then states that he is “giving notice of dishonor and dishonoring the honorable magistrate’s presentment order to dismiss” and that he is “dishonoring any rule against me.” (*Id.*)

The Court has reviewed the complaint and amended complaint, and nothing in Plaintiff’s objection warrants rejecting Magistrate Judge Bryant’s conclusions. Accordingly, Plaintiff’s objection is DENIED. The Court hereby ADOPTS the R&R and DISMISSES this case for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), the Court CERTIFIES that an appeal by Plaintiff would not be taken in good faith and DENIES leave to appeal *in forma pauperis*. Accordingly, if Plaintiff files a notice of appeal, he must also pay the

¹ The R&R in this case contains no such errors. Ironically, Plaintiff filed exactly the same objection in almost all of his cases.

entire \$505 appellate filing fee or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE